

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

KYLEE HOPPER,

Plaintiff,

v.

MCMURRY UNIVERSITY,

Defendant.

No. 1:25-CV-031-H

ORDER

Before the Court is the plaintiff's unopposed motion to remand this case. Dkt. No. 12. As the motion correctly notes, the Court must decline to exercise jurisdiction over a class action in which "two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed." 28 U.S.C. § 1332(d)(4)(B). This action originated in Texas. *See* Dkt. No. 1-3. McMurry University is a citizen of Texas. *Id.* ¶ 25. McMurry's counsel has represented that "92% of Notice Letters to putative Class Members" were delivered to Texas addresses." Dkt. No. 12 at 5.

The Court therefore concludes that McMurry has failed to meet its burden to show that removal was proper, and the Court grants the motion to remand (Dkt. No. 12) and remands this case to the 350th District Court of Taylor County, Texas. The Clerk of Court shall effect the remand in accordance with the usual procedure and close this case.

So ordered on March 27, 2025.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE